



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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OFFICE OF
ECOSYSTEMS,
TRIBAL AND PUBLIC
AFFAIRS

February 20, 2014

BLM-Greater Sage-grouse EIS
Jerome E. Perez, State Director Oregon/Washington
1220 SW 3rd Avenue
Portland, Oregon 97204

Re: U.S. Environmental Protection Agency comments on the Bureau of Land Management's Oregon Sub-Region Greater Sage-Grouse Draft Resource Management Plan Amendment and Environmental Impact Statement. EPA Region 10 Project Number: 13-0040-BLM.

Dear Mr. Perez:

The EPA has reviewed the BLM's Oregon Sub-Region Greater Sage-Grouse Draft Resource Management Plan Amendment and Environmental Impact Statement. Our review was conducted in accordance with the EPA's responsibilities under the National Environmental Policy Act and Section 309 of the Clean Air Act. Section 309 specifically directs the EPA to review and comment in writing on the environmental impacts associated with all major federal actions. Our review of the Draft LUPA/EIS prepared for the proposed action considers the expected environmental impacts and the adequacy of the EIS in meeting procedural and public disclosure requirements of the NEPA.

Project Summary

The BLM is undertaking a large-scale effort to amend or revise Resource Management Plans in response to the U.S. Fish and Wildlife's March 2010 finding that the greater sage-grouse was "warranted but precluded" for listing as a threatened or endangered species.¹ The BLM manages over 50 percent of GRSG habitat across 11 western states.

The purpose for this RMPA is to identify and incorporate appropriate conservation measures in up to eight RMPs (covering over 10 million acres of GRSG habitat) to conserve, enhance and/or restore GRSG habitat by reducing, eliminating, or minimizing threats to that habitat. There are six alternatives, including the no-action alternative. Alternative A, the no-action alternative, continues current management direction. Alternative B uses conservation measures from the Sage-Grouse National Technical Team Report.² Alternative C is focused on passive restoration. Alternative D is the Oregon BLM Alternative and incorporates input from Oregon Department of Fish and Wildlife and U.S. Fish and Wildlife Service. Alternative D emphasizes balancing resources and resource use. Alternative E contains conservation guidelines from Oregon's state plan. Alternative F, like Alternative C, contains a mixture of conservation measures from the NTT report and public input. A difference between F and C is that Alternative F provides greater restrictions on allowable uses and less resource management flexibility. Alternative D is the BLM's Preferred Alternative.

¹ 75 *Federal Register* 13910, March 23, 2010

² <http://sagemap.wr.usgs.gov/docs/rs/GrSG%20Tech%20Team%20Report.pdf>

Responsiveness to the EPA Scoping Comments

In our March 23, 2012 scoping comments on the BLM's Notice of Intent to prepare EISs and Supplemental EISs to incorporate GRSG conservation measures into land use and land management plans, we stated our strong support for the BLM's efforts to incorporate consistent objectives and conservation measures for the protection of GRSG and its habitat. We also provided several comments informing the BLM of items we believe warrant consideration in all National Greater Sage-Grouse Planning Strategy NEPA analyses.

We appreciate that the Draft RMPA/EIS includes information on the following items mentioned in our scoping comments:

- overall direction of development away from areas of high conflict and sensitive resources in order to maintain valuable ecological functions across the landscape;
- up-to-date and detailed maps;
- the process by which habitat designations could change over time;
- initial adaptive management, monitoring and mitigation plans with timelines, criteria, and thresholds;
- descriptions of how conservation measures would account for climate change considerations;
- information on Native American tribal consultation.

Environmentally Preferable Alternative

We recommend that the lead agencies develop and identify an Environmentally Preferable Alternative in the Final RMPA/EIS. Proposing an Environmentally Preferable Alternative in the Final RMPA/EIS would provide citizens, stakeholders, interest groups and agencies an opportunity to provide additional perspective on the overall most effective alternative for alleviating threats to GRSG and their habitat.

We offer the following comments and recommendations to assist your efforts to develop and identify the Environmentally Preferable Alternative:

- Because Alternative E would designate approximately 1.7 million fewer acres than the other alternatives as GRSG habitat,³ we do not believe that this alternative would be environmentally preferable.
- To ensure that all types of habitat would be covered under Alternative D's off-site mitigation, we recommend that the Final RMPA/EIS discuss whether the proposed Restoration Opportunity Areas provide adequate opportunities to mitigate unavoidable impacts to brood-rearing, winter and connectivity habitats.
- With respect to alleviating the threat of fire, we prefer Alternative D's explicit guidance for fire suppression policies. To improve on Alternative D's guidance, we recommend that the Final RMPA/EIS address desired conditions for juniper and crested wheatgrass seedings. Addressing desired conditions for juniper and crested wheatgrass seedings could increase the likelihood that restoration activities and invasive plant management is conducted in a way that maximizes benefits to GRSG.
- While we appreciate that Alternative D's Invasive Plant Species guidance is more specific than the other action alternatives, we are concerned that the lack of grazing utilization levels, "...may

³ Draft RMPA/EIS Table 4-2 Acres of Designated Sage-Grouse Habitat Types by Alternative

be insufficiently protective of GRSG,”⁴ We recommend that Final RMPA/EIS include additional information addressing this potential area of insufficient GRSG protection.

Precautionary Alternative and Adaptive Management

We are concerned that an adaptive management plan focused on addressing unintended negative impacts, “...before consequences become severe or irreversible”⁵ may not be sufficiently protective. Addressing negative impacts based on monitoring may not be sufficiently protective because it is more reactive than precautionary, and there is substantial uncertainty surrounding how GRSG populations will respond to increased protections and restoration efforts. A more precautionary approach would select relatively more protective measures now, and use adaptive management to relax them as GRSG populations increase or achieve sustainability.

The results in Table 4-3 “Projected Percentage of Sage-Grouse Habitat in Preferred Condition in the Oregon Sub-region After 10 Years” could provide an indicator of whether initial levels of protection are high enough. In Table 4-3, for example, Alternative D would result in a lower amount of GRSG habitat in preferred condition after 10 years than all of the other action alternatives. After 50 years, Alternative D would result in a relatively higher amount of habitat in the preferred condition. The short-term result runs counter to the Draft RMPA/EIS’s conclusion that Alternative D, “...would provide the highest level of protection for GRSG habitat of the action alternatives.”⁶ We believe a more precautionary approach to GRSG protection would result in high levels of both short and long-term benefits.

Consistency with the USFWS’s Evaluation Criteria for Conservation Plans⁷

To support the USFWS’s eventual evaluation of this conservation plan, we recommend that the Final RMPA/EIS include additional information on the action alternatives’ consistency with the USFWS’s Evaluation Criteria for Conservation Plans. The evaluation criteria are (i) the certainty that the conservation effort will be implemented, and, (ii) the certainty that the conservation effort will be effective. Consider including the following information:

- the relative certainty of adequate resources for full implementation (i.e., funding, conservation partners etc.) under the alternatives;
- the relative consistency of the alternatives with existing management practices and regulations;
- indications of where procedural requirements, like further Land Use Plan amendments or acts of congress, would be required to implement a conservation measure;
- the relative reliance on voluntary participation to meet conservation objectives;
- a comparison of implementation schedules;
- indications that all necessary parties will approve required agreements – such as for collaborative monitoring efforts;
- more detailed comparisons of how the alternatives’ conservation measures would reduce identified threats;
- incremental conservation objectives and dates for achieving them;

⁴ Draft RMPA/EIS, p. 4-49

⁵ Draft RMPA/EIS, p. 2-34

⁶ Draft RMPA/EIS, p. 4-53

⁷ See p. 15115 of the USFWS and National Oceanic and Atmospheric Administration’s “Policy for Evaluation of Conservation Efforts When Making Listing Decisions” in Federal Register Vol. 68, No. 60 Friday, March 28, 2003 Rules and Regulations

- quantifiable and scientifically defensible parameters that will demonstrate achievement of objectives;
- provisions for implementation and effectiveness monitoring.

Areas of Critical Environmental Concern

We do not believe the Draft RMPA/EIS sufficiently presents the BLM's reasons for preferring the designation of priority and general habitat, and identification of focal areas over the establishment of ACECs. To address this concern, we recommend that the Final RMPA/EIS include additional information describing why the BLM decided not to include ACECs in the preferred alternative.

Document Comment – Comparing Affected Populations

We believe the "Totals" in Chapter 4's population tables may be in error. Each population table, such as Table 4-23 Percent of GRSB Populations Affected by Closures to Fluid Minerals, presents the percent of a population that would be affected by different conservation measures. The table then adds these percentages and concludes, for example, that 81% of the population would be affected. We do not believe you can add the percents of several distinct populations affected to calculate the percent of all populations that would be affected. Please address or correct this issue in the Final RMPA/EIS.

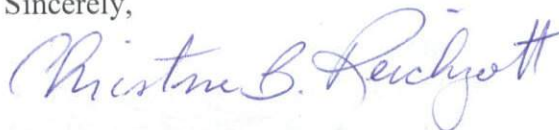
Rating

We are rating the Draft RMPA/EIS Environmental Concerns – Insufficient Information (EC-2). A copy of our rating system is attached. Our primary environmental concern relates to the relatively smaller amount of GRSB habitat that would be designated by Alternative E. We are also concerned that Alternative D's approach may not be sufficiently precautionary. Our "Category 2 – Insufficient Information" rating relates to the Draft RMPA/EIS not having sufficient information to fully assess environmental impacts that should be avoided in order to fully protect the environment, and our identification of 'reasonably available alternatives' which could reduce the environmental impacts of the action.

To address our concerns, we are recommending that the Final RMPA/EIS identify an Environmentally Preferable Alternative, consider a more precautionary approach to adaptive management, and provide additional information to support evaluation of the conservation plan according to the USFWS's Evaluation Criteria for Conservation Plans.

If you have questions regarding our comments, please contact me at (206) 553-1601 or by electronic mail at reichgott.christine@epa.gov, or Erik Peterson at (206) 553-6382 or peterston.erik@epa.gov.

Sincerely,



Christine B. Reichgott, Manager
Environmental Review and Sediment Management Unit

Enclosure

EPA Rating System for Draft Environmental Impact Statements

**U.S. Environmental Protection Agency Rating System for
Draft Environmental Impact Statements
Definitions and Follow-Up Action***

Environmental Impact of the Action

LO – Lack of Objections

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC – Environmental Concerns

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO – Environmental Objections

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU – Environmentally Unsatisfactory

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 – Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 – Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 – Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.